

VZCZCXYZ0000
PP RUEHWEB

DE RUEHAC #1020/01 3461020
ZNR UUUUU ZZH
P 121020Z DEC 07
FM AMEMBASSY ASUNCION
TO RUEHC/SECSTATE WASHDC PRIORITY 6439
INFO RUCNMER/MERCOSUR COLLECTIVE
RUEHC/DEPT OF LABOR WASHDC
RUEHGV/USMISSION GENEVA 0171

UNCLAS ASUNCION 001020

SIPDIS

SENSITIVE
SIPDIS

PASS TO DOL FOR ILAB: TINA MCCARTER, DEPT FOR DRL/IL: TU
DANG, DEPT FOR WHA/BSC KREAD

E.O. 12958: N/A

TAGS: [ELAB](#) [EINV](#) [ETRD](#) [PHUM](#) [SOCI](#) [PA](#)

SUBJECT: PARAGUAY: UPDATE ON WORST FORMS OF CHILD LABOR

REF: STATE 149662

11. (U) Post reports the following information per reftel on the worst forms of child labor in Paraguay.

12. (SBU) Laws and regulations proscribing the worst forms of child labor:

A) What laws have been promulgated on child labor? Are there exceptions to the minimum age law?

-- The 1993 Labor Code (Law 213/93) and the 1981 Code of Minors (Law 903/1981) codify Paraguay's child labor laws. The new Penal Code, which will re-incorporate the current Labor Law in its entirety, is currently pending in Congress and may go into effect as early as 2009. The Code of Minors protects children from exploitation in the workplace and prohibits forced or compulsory child labor. The law prohibits work by children under age 14 and permits minors between 15 and 18 years of age to work only with parental authorization and in conditions that are not dangerous or unhealthy. Children over 14 years of age may work only in family enterprises, agriculture, or apprenticeships.

-- The Labor Code provides for a standard legal workweek of 48 hours (42 hours for night work), with one day of rest. The law also allows an annual bonus of one month's salary and a minimum of six vacation days a year. The law requires payment for overtime. The Ministry of Justice and Labor established a mandatory national private sector minimum wage, approximately \$268 per month (1.34 million guaranies), sufficient to maintain a minimally adequate standard of living for a worker and family. The law sets occupational health and safety standards stipulating conditions of safety, hygiene, and comfort. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, but they may not do so until the Ministries of Justice and Labor and Health recognize such conditions. These laws apply to adults and child over age 15 who are allowed to work legally.

B) What laws have been promulgated on the worst forms of child labor? What is the country's minimum age for military recruitment?

-- Paraguay ratified Convention 182 and developed a list of occupations considered to be the worst forms of child labor outlined in decree number 4951/05. These are subject to prosecution under current labor laws and the Code of Minors. The law specifically punishes trafficking in persons with up to 10 years' imprisonment. The law also forbids compelling anyone to travel outside the country or compelling a minor

under 18 to work as a prostitute. Business owners who engage in the worse forms of child labor can receive up to five years in jail or a fine in the event of an industrial accident involving workers, including child laborers.

-- The law requires that men register for military service at age 17 and serve one year in the military between the ages of 18 and 25. Women must also serve in the military during times of war. Children aged 17 may join the military with parental consent. The law allows individuals to join workforce training programs in lieu of military service or obtain exemptions from military service as conscientious objectors.

C) If the country has ratified Convention 182, has it developed a list of occupations considered to be worst forms of child labor, as called for in article 4 of the Convention?

-- Paraguay ratified Convention 182 on July 3, 2001, and developed a list of occupations considered to be the worst forms of child labor.

13. (SBU) Regulations for implementation and enforcement of proscriptions against the worst forms of child labor

-- The 2006 Child Labor Report outlines in detail the regulations codified in labor law and the Childhood and Youth Code for implementing and enforcing proscriptions against the

worst forms of child labor. Congress is considering a new Criminal Procedural Code codifying specific penalties for violating labor laws, including child labor.

A) What legal remedies are available to government agencies that enforce child labor laws, and are they adequate to punish and deter violations?

-- Attorneys at the Public Ministry enforce child labor laws by bringing legal cases against violators. The Supreme Court and civilian courts have the authority to rule on child labor cases and imposes criminal penalties and civil fines on those convicted of violating labor laws. These punishments are infrequent and inadequate to deter violations.

-- The new Penal Code will create new positions for prosecutors, public defenders and judges who will have specialized jurisdictions for minor cases.

B) To what extent are complaints investigated and violations addressed?

-- The Ministry of Justice and Labor is responsible for enforcing child labor laws, and the Public Ministry prosecutes violators. However, the government did not allocate adequate resources to enable these ministries to enforce the law effectively. The government took some steps to eliminate child labor by implementing the 2003-08 National Plan to Prevent and Eradicate the Exploitation of Children (CONAETI), including funding the Secretariat for Children and Adolescents (SNNA) and NGOs such as CEAPRA, a children's rights NGO in Ciudad del Este, and Kuna Aty's children's assistance program in Asuncion. Municipalities fund Municipal Councils for Children's Rights (CODENI) to assist children who are victims of child labor and other abuses. However, these efforts have not been accompanied by strong public institutions and programs or translated into changes in social practices.

C) What level of resources does the government devote to investigating child labor cases throughout the country? How many inspectors does the government employ to address child labor issues? How many child labor investigations have been conducted over the past year? How many have resulted in fines, penalties, or convictions?

-- The 200 public defenders in country, including 49 in Asuncion, work for the Public Ministry and local ombudsman's offices on many types of cases, including child labor cases. However, they lack sufficient resources to perform their jobs and have investigated few cases related to child labor.

D) Has the government provided awareness raising and/or training activities for officials charged with enforcing child labor laws?

-- The government provides general awareness of child labor laws to officials through training activities in conjunction with the International Labor Organization (ILO) and the Organization for International Migration (OIM). However, the government has not provided training activities for officials charged with enforcing child labor laws.

14. (SBU) Whether there are social programs specifically designed to prevent and withdraw children from the worst forms of child labor

-- The government works within the CONAETI framework to combat the worst forms of child labor and channels resources through the SNNA and NGOs such as CEAPRA and Kuna Aty. These organizations encourage children and parents of exploited children to file complaints against violators of child labor laws. The SNNA has a program to assist children who have been trafficked for purposes of sexual exploitation or forced labor. CODENI also assists children who are victims of child labor; however, they do not have comprehensive programs designed to prevent and withdraw children from the worst forms of child labor.

A) What initiatives has the government supported to prevent children from entering exploitive work situations, to withdraw children engaged in such labor, and to advocate on behalf of children involved in such employment and their families?

-- The government has not launched initiatives designed to prevent children from entering exploitive work situations, to withdraw children engaged in such labor, or to advocate on behalf of children involved in such employment and their families. Due to a lack of resources and the reality that many parents of child laborers encourage them to work, the government's response is primarily limited to addressing the needs of children who have been trafficked and are victims of the sex or labor industries.

15. (SBU) Does the country have a comprehensive policy aimed at the elimination of the worst forms of child labor?

Yes, CONAETI.

A) Does the country have a comprehensive policy or national program of action on child labor or specific forms of child labor? Does the country incorporate child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social policies or programs? If so, to what degree has the country implemented the policy and/or program of action and achieved its goals and objectives?

-- CONAETI, which expires in 2008, is Paraguay's primary plan of action on child labor. Paraguay has partially implemented CONAETI by offering limited assistance to victims of child labor through the SNNA and affiliated NGOs. However, child labor remains widespread.

B) Is education free in law and in practice? Is education compulsory in law and in practice?

According to the "Infant and Adolescent Workers of Paraguay" Report published by the ILO in August, education is free and compulsory in law and in practice. Children in public schools typically attend school four hours per day. However, over 53 percent of children between the ages of 5 and 17 work at least one hour per week, and many do not attend school in order to work. The ILO estimated that 14.5 percent of children between the ages of five and 17 did not attend school. The law entitles boys and girls to equal educational access; enrollment rates among girls ages five to 17 (86 percent) was slightly greater than among boys (85 percent), and overall enrollment rates ages five to 17 in urban areas

(90 percent) were higher than in rural areas (80 percent).

C) Is the country making continual progress toward eliminating the worst forms of child labor?

-- The government has made some progress, although it lacks the resources and political will to eliminate the worst forms of child labor. The government handles cases of child labor violations on a case-by-case basis and has promoted awareness in a limited capacity. The government has especially focused on children who are trafficking victims. However, child labor remains pervasive, and the government has been ineffective in combating the worst forms of child labor.

D) Posts are requested to ask national statistical offices when appropriate for any recent child labor data sets.

-- Post will request child labor data from the Ministry of Labor and Justice and will provide it to DOL. The ILO's "Infancy and Adolescent Worker of Paraguay" Report published in September 2007 provides a wealth of Paraguayan child labor statistics.

E) Posts are asked to indicate in what sectors/work activities/goods are children involved and how has this changed over the past year.

-- Children work primarily as domestic servants, street vendors, laborers, commercial sex workers, in agriculture, including family farms, community services, restaurants and hotels, and industrial manufacturing. This has changed little over the past year.

F) Please provide information on industries where child labor occurs as well as specific tasks in which children are involved and goods they produce, if available. Please also provide information on age and gender of working children, disaggregated by industry/work activity/good, if possible.

-- Post will provide more detailed information from the Ministry of Labor and Justice as it becomes available. Please also refer to the aforementioned ILO report.

G) To what extent are children working in slavery or practices similar to slavery, such as debt bondage, serfdom, and forced or compulsory labor?

-- According to the ILO, approximately 60,300 children are working domestically in slavery or practices similar to slavery, particularly in the commercial sex or labor industries.

H) To what extent are children trafficked to work? Are children trafficked for commercial sex or for labor exploitation? If labor-related, what specific industries or for the production of what specific goods are children known to be trafficked? Are they trafficked across national borders or within the country (specify source, destination and transit countries/regions/communities, if possible).

-- No reliable statistics exist on how many children are trafficked to work. However, based on information provided by the Paraguayan government, ILO, and IOM, Post estimates that the number of children trafficked to work number each year in the hundreds. Most are trafficked for commercial sex or labor exploitation.

15. (U) POC for this request is Embassy Asuncion Human Rights Officer Michael Edwards, telephone: 011-595-21-213-715, e-mail: edwardsmg@state.gov.

Please visit us at <http://www.state.sgov.gov/p/wha/asuncion>

CASON